

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

CIVIL 96-2284CCC ✓

SAN JUAN BAY MARINA, INC.  
SHOOTERS WATERFRONT CAFÉ, INC.  
EDUARDO FERRER AS PRESIDENT OF  
BOTH CORPORATIONS

Defendants

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SAN JUAN, P.R.

**O R D E R**

This suit is before us on the United States' Motion Submitting Outcome of Inspection and Requesting that Defendants be Found in Contempt (**docket entry 104**) filed June 1, 2001, and a supplementary motion (**docket entry 105**). The defendant's opposed the motion (**docket entry 108**).

The judgment in this action having been affirmed on appeal, see United States v. San Juan Bay Marina, 239 F.3d 400 (1st Cir. 2001), this court, on March 7, 2001 (see docket entry 97), ordered the defendants to expeditiously and without further delay remove all referenced structures mentioned in all six claims of the court's order of March 31, 2000. We granted a term of thirty days to comply and invited the government to move for a finding of contempt should defendants fail to comply. During an inspection of the premises, plaintiff found that defendants had only partially removed the concrete pool deck, without submitting a proposed removal plan to the Corp of Engineers, and nothing further had proceeded with the other structures in issue. Defendants opposed the motion, stating that they were working on compliance and provided a detailed explanation for thir failure to have completed the demolition.

The matter was referred to the Magistrate Judge for an evidentiary hearing. In the report (**docket entry 114**) the Magistrate stated that, upon agreement by plaintiff U.S. and defendants Eduardo Ferrer Bolivar, Shooters Waterfront Restaurant and San Juan Bay Marina, that the defendants should be found in contempt, but that punishment would be held in

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abeyance pending compliance with the agreed upon schedule for removal of the offending structures, as set out in the magistrates report and recommendation. The removal is to be completed by December 10, 2001. In an informative motion filed August 23, 2001 (**docket entry 116**), defendants affirmed the agreement, stating that in accordance with the agreement of the parties as stated in the Hearing Report, the plans for removal of all of the structures contemplated in the court's order had been presented to the United States Court<sup>1</sup> and the Corp of Engineers.

Accordingly, the Court ADOPTS the Magistrate's Hearing Report and FINDS San Juan Bay Marina, Shooters Waterfront Restaurant, and Eduardo Ferrer-Bolivar in contempt of its March 31, 2000 (**docket entry 77**), and March 7, 2001 (**docket entry 95**) orders. Punishment will be held in abeyance until notification by the government of the status of the demolition, to be filed no later than December 17, 2001.

SO ORDERED.

At San Juan, Puerto Rico, on September 13<sup>th</sup>, 2001.

  
CARMEN CONSUELO CEREZO  
United States District Judge

s/c:to (3)  
attys/pts  
in ICMS

SEP 19 2001



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<sup>1</sup>The plans were not included with the motion.